

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 7-2005)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

22330-US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

Unassigned

**10/575708**

INTERNATIONAL APPLICATION NO.  
PCT/EP2004/012461

INTERNATIONAL FILING DATE  
4 November 2004 (04.11.2004)

PRIORITY DATE CLAIMED  
4 November 2003 (04.11.2003)

**TITLE OF INVENTION**

Method for distinguishing AML subtype inv(3)(q21q26)/t(3;3)(q21q26) from other AML subtypes

**APPLICANT(S) FOR DO/EO/US**

Torsten Haferlach, Martin Dugas, Wolfgang Kern, Alexander Kohlmann, Susanne Schnittger and Claudia Schoch

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

**Items 13 to 23 below concern document(s) or information included:**

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☒ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV338302454 US

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <div style="font-size: 1.5em; font-weight: bold; text-align: center;">10/575708</div> <div style="text-align: center; font-weight: bold;">Unassigned</div>	INTERNATIONAL APPLICATION NO. <div style="text-align: center; font-weight: bold;">PCT/EP2004/012461</div>	ATTORNEY'S DOCKET NUMBER <div style="text-align: center; font-weight: bold;">22330-US</div>
--	--	--

23. Other items or information:

**Specification showing Amendments (Exhibit A)**  
**Clean Copy of Specification (Exhibit B)**  
**Publication No. WO 2005/045438 A3/A2**  
**Return Receipt postcard**

	CALCULATIONS	PTO USE												
24. <input checked="" type="checkbox"/> Basic national fee . . . . . \$300	\$ 300.00													
25. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article . . . . . \$0 All other situations. . . . . \$200	\$ 200.00  \$0  \$200													
26. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . . \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority. . . . . \$100 International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB. . . . . \$400 All other situations. . . . . \$500	\$ 500.00  \$100  \$400  \$500													
<b>TOTAL OF 24, 25 and 26 =</b>	<b>\$ 1,000.00</b>													
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.														
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">Total Sheets</th> <th style="width: 15%;">Extra Sheets</th> <th style="width: 30%;">Number of each additional 50 or fraction thereof (round up to a whole)</th> <th style="width: 15%;">RATE</th> </tr> <tr> <td>91 - 100 =</td> <td>0 /50 =</td> <td>0</td> <td>x \$250.00</td> </tr> </table>	Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE	91 - 100 =	0 /50 =	0	x \$250.00	\$ 0.00					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE											
91 - 100 =	0 /50 =	0	x \$250.00											
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).			\$											
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">CLAIMS</th> <th style="width: 15%;">NUMBER FILED</th> <th style="width: 15%;">NUMBER EXTRA</th> <th style="width: 15%;">RATE</th> </tr> <tr> <td>Total claims</td> <td>27 - 20 =</td> <td>7</td> <td>x \$50.00</td> </tr> <tr> <td>Independent claims</td> <td>3 - 3 =</td> <td>0</td> <td>x \$200.00</td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	27 - 20 =	7	x \$50.00	Independent claims	3 - 3 =	0	x \$200.00	\$ 350.00 \$ 0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE											
Total claims	27 - 20 =	7	x \$50.00											
Independent claims	3 - 3 =	0	x \$200.00											
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00			\$ 0.00											
<b>TOTAL OF ABOVE CALCULATIONS =</b>		<b>\$ 1,350.00</b>												
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.			\$ 0.00											
<b>SUBTOTAL =</b>		<b>\$ 1,350.00</b>												
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).			\$ 0.00											
<b>TOTAL NATIONAL FEE =</b>		<b>\$ 1,350.00</b>												
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +			\$ 0.00											
<b>TOTAL FEES ENCLOSED =</b>		<b>\$ 1,350.00</b>												
		Amount to be	\$											
		Amount to be	\$											

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 50-0812 in the amount of \$ \$1,350.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer No. 22829  
Roche Molecular Systems, Inc.  
Patent Department  
1145 Atlantic Avenue  
Alameda, CA 94501

*Robert W. Mann*  
SIGNATURE

Robert W. Mann  
NAME

48,555  
REGISTRATION NUMBER

4/11/06  
DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:	)
Torsten Haferlach, et al	) EXAMINER: N/A
SERIAL NO.: PCT/EP2004/012461	) ART UNIT: N/A
INTERN'L FILING DATE: NOVEMBER 11, 2004	) Confirmation No. N/A
FOR: <u>Method For Distinguishing AML Subtype</u>	) DOCKET NO 22330-US
<u>inv(3)(q21q26)/t(3;3)(q21q26) From</u>	
<u>Other AML subtypes</u>	

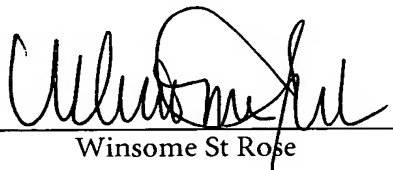
Certification of Mailing Under 37 CFR § 1.10

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that the following correspondences:

- ☒ Transmittal Letter to the United States DO/EO/US
- ☒ Preliminary Amendment (14 pages)
- ☒ Copy of WO 2005/045438 A2, A3
- ☒ Copy of Substituted application showing amendments (Exhibit A)
- ☒ Clean copy of Substituted application (Exhibit B)
- ☒ Declaration & POA (unsigned)
- ☒ Authorization to charge account for \$1350.00
- ☒ Return receipt postcard

are being deposited with the United States Postal Service in an envelope as "Express Mail Post Office" to Addressee, and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450., utilizing Label Number Express Mail No.: EV 338302454US

  
Winsome St Rose

4/13/06  
Date

Roche Molecular Systems, Inc.  
1145 Atlantic Avenue  
Alameda, CA 94501  
Tele: (510) 814-2800  
Fax: (510) 814-2973